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W.P.No.102 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.102 of 2017
and
W.M.P.No.27888 of 2019

N.Ramamoorthy

... Petitioner

Vs.

1. The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai – 600 009.
2. The District Collector,
Chennai District, Singaravelar Maaligai,
Chennai – 600 001.
3. The District Revenue Officer,
Chennai District, Singaravelar Maaligai,
Chennai – 600 001.
4. The Special Deputy Collector (Land Acquisition),
Tamil Nadu Urban Development Project – III,
Alandur,
Chennai – 600 016.



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5. The Divisional Engineer (Highways),
C.M.D.P., Division IV,
Alandur,
Chennai – 600 016.

6. The Land Acquisition Officer and Special
Deputy Collector,
C.M.D.A.,
Gandhi-Irwin Road,
Egmore, Chennai – 600 008.

7. The Tahsildar,
Velacherry Taluk,
Taramani,
Chennai – 600 113.

8. The Divisional Engineer (Highways),
C.M.D.P – Division II,
No.1 Brahmin Street,
Saidapet,
Chennai – 600 015.

9. N.Ethiraj (Deceased)

10. R.Padmavathy

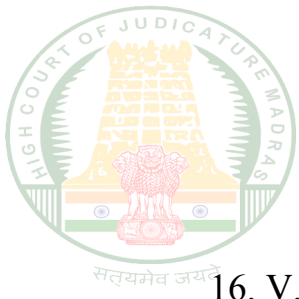
11. B.Devaki (Deceased)

12. V.Shantha (Died)

13. N.Soundaravalli

14. Tamilselvi

15. K.Vinayagamurthy



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16. V.Bharath Babu

17. V.Uma

(R15 to R17 are substituted as LR's of the deceased R12,
vide Court order dated 11.12.2018, made in W.M.P.
No.37612 of 2018 in W.P.No.102 of 2017)

18. E.Gowri

19. E.Nixon

20. E.Johnson

(R18 to R20 are substituted as LR's of the deceased
respondent R9 vide order dated 17.07.2025 made in
W.M.P.No.35068 of 2023 in W.P.No.102 of 2017)

21. V.Janaki

22. D.Kanagavalli

23. R.Andal

24. B.Jayasankaran

(R21 to R24 are substituted as Lrs of deceased
respondent R11 vide order dated 17.07.2025 made
in W.M.P.No.35075 of 2023 in W.P.No.102 of 2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the first to eighth respondents herein to consider the petitioner's representation dated 19.09.2016 and pass orders to return the lands mentioned in the schedule given below by fixing the time limit.



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SCHEDULE
IN VELACHERY VILLAGE, CHENNAI DISTRICT

Survey No.	Extent
346/2A1	30 sq.links

Survey No.	Extent
380/1	Acre 0.02
380/2	Acre 0.02
381	Acre 0.11
383/1	Acre 0.49 1/4
402/2	Acre 0.25 1/2
402/1	Acre 0.16 3/4
403/1	Acre 0.12
Total	1.18 1/2 Acres

For Petitioner : Mr.M.S.Subramanian

For Respondents: Mr.M.R.Gokul Krishnan,
Additional Government Pleader
(for R1 to R8)
R9, R11 & R12 Died (steps taken)
Mr.V.Chandrakanthan (for R10 & R13)
Mr.T.P.Sekar (for R14)
Mr.M.Aravindan (for R18 to R20)



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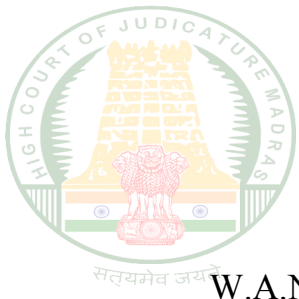
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ORDER

This Writ Petition has been filed for a direction directing the first to eighth respondents to consider the petitioner's representation dated 19.09.2016, seeking re-conveyance of the land, which was already acquired by them.

2. The petitioner's predecessor owned a large extent of properties in Velacherry, Chennai. There were acquisition proceedings for formation of By-pass Road and widening of By-pass Road, in which a substantial portion of the petitioner's lands were acquired. Thereafter, once again on 19.04.2000, a Notification was issued for acquiring the land for the purpose of widening of By-pass Road in Velacherry, Chennai, and a declaration was also made in G.O.Ms.No.90, Highways (HW1), dated 23.05.2001.

3. The said acquisition proceeding was challenged by the petitioner along with others in W.P.No.12329 of 2001 etc. batch. This Court, by order dated 21.12.2010, quashed the declaration under Section 6 of the Land Acquisition Act (hereinafter referred to as 'the Act' for short) made on 23.05.2001. Thereafter, the respondent authorities filed a Writ Appeal in



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W.A.No.724 of 2011 before the Division Bench of this Court, and the same was allowed, remitting the matter back to the learned Single Judge of this Court for fresh consideration. Once again, the learned Single Judge of this Court allowed the Writ Petition by order dated 21.08.2013, thereby quashing the declaration under Section 6 of the Act and directing them to serve notice under Section 5-A of the Act, after giving an opportunity of hearing, conducting an enquiry, and submitting a report to the Government for further directions.

4. The said order became final, and no appeal has been filed by the respondents. However, the official respondents did not take any steps to issue any notice under Section 5-A of the Act and failed to conduct any enquiry. In fact, the petitioner submitted a representation dated 11.10.2014 to implement the order passed by this Court. Thereafter, another notification was issued under Section 15(1) of the Tamil Nadu Highways Act for acquiring the lands comprised in T.S.No.35 (part) (Old Survey No.351/1C2A), measuring an extent of 0.02.11.0 hectares in Velacherry, Chennai.



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5. Thereafter, once again, the said acquisition proceeding has been challenged by the petitioner in W.P.No.27087 of 2015, and it is pending. Except the land comprised in Old Survey No.362/1C2A, corresponding to T.S.No.35, measuring an extent of 0.02.11.0 hectares, and Old Survey No.362/1A1, corresponding to T.S.No.216, measuring an extent of 0.06.54.0 hectares, the other lands in the notification in G.O.Ms.No.71, Highways, dated 19.04.2000, have not been acquired so far. Therefore, the petitioner submitted a representation seeking re-conveyance of the said land, and it is pending.

6. On perusal of the status report and the submission made by the learned Additional Government Pleader appearing for the first to eighth respondents, it is revealed that so far, the order passed by this Court in W.P.No.12329 of 2001 etc. batch cases, by order dated 21.08.2013, has not been complied with. Though, after completion of the acquisition proceedings, an award was passed in Award No.1 of 2003, dated 29.05.2003, and the award amount was deposited into the Civil Court, this Court quashed the entire land acquisition proceedings and directed the official respondents to issue notice under Section 5-A of the Act, after



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giving an opportunity of hearing, and to conduct an enquiry and submit a report before the Government. However, the respondents failed to do so till today.

7. This Court issued directions while allowing W.P.No.16711 of 2001, dated 21.08.2013, as follows:-

“11. In view of all the above, these writ petitions are allowed in the following terms:-

(i) The Declaration made under Section 6 of the Act under G.O.Ms.No.90, Highways (HW1) dated 23.05.2001 published in Tamil Nadu Government Gazette Extraordinary dated 23.05.2001 along with the report submitted by the Special Deputy Collector, C.M.D.A., Chennai, under Section 5-A of the Land Acquisition Act is quashed.

(ii) The Special Deputy Collector, C.M.D.A., Chennai, is at liberty to serve notice under Section 5-A of the Act upon the petitioners on whom notice of enquiry was not earlier served, to complete the enquiry after affording sufficient opportunity to them and to submit a report to the Government.

(iii) On receipt of such report, the Government may pass an order under Section 6 of the Land Acquisition Act



afresh after considering the objections of the land owners within a period of limitation as provided in first proviso to Section 6(1) of the said Act.

(iv) The time spent in all these writ petitions commencing from 3rd July 2001 to till date of receipt of a copy of this order by the Government shall be excluded while computing the period of limitation as provided in first proviso to Section 6 (1) of the Land Acquisition Act.

(v) If the Government could not make declaration under Section 6 of the Land Acquisition Act within the little time available, the Government is at liberty to issue a fresh notification under Section 4(1) of the Act and to proceed further in accordance with law.

(vi) The Writ Petitioners are at liberty to raise objections, if any, during enquiry under Section 5-A of the Land Acquisition Act, including the objection regarding limitation.

(vii) Consequently, connected Mps are closed. Considering the facts and circumstances of the cases, there shall be no order as to costs.”



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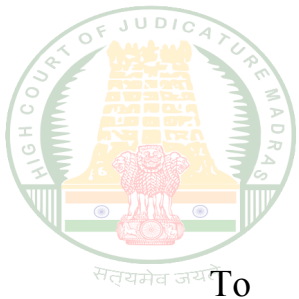
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8. In view of the above, the first respondent is directed to issue notice under Section 5-A of the Land Acquisition Act within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is at liberty to submit his explanation along with documents, if any. Following that, the sixth respondent is directed to conduct an enquiry and submit a report before the first respondent and entire proceedings shall be completed, including passing an award, within a period of twelve weeks thereafter. It is made clear that the Gazette publication can be made, but the paper publication can be dispensed with in order to save time. Since the entire acquisition proceedings are over and the award was also passed, and the entire compensation amount has been deposited before the Civil Court.

9. In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed.
No costs.

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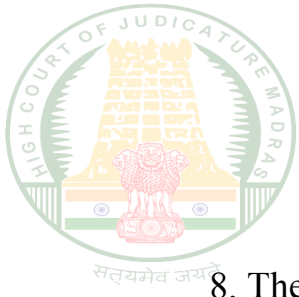
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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